SINGLE BENCH

PAGE . 1.

C.S. 100/-

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4504/2005.

PETITIONER : M/s. Surjeet Singh & Sons
DEFENDANT Proprietor, Surjeet Singh, S/o
JUDGEMENT DEBTOR Bhagat Singh, aged about 65 years. R/o. Bardebhata, Tahsil and Distt. Kanker (C.G.) at present Ramnagar, Tahsil and Distt. Kanker (C.G.)

P.R. No. 4522/05
Presented by Shri R.K. Sharma
dated 12-8-05

VERSUS

RESPONDENT : State Bank of India,
PLAINTIFF Through : The Branch Manager
DECREE HOLDER Kanker, Distt. Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 4504/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21.9.2005 Shri Ramesh Kumar Sharma, counsel for the petitioner. Heard on admission. The petitioner has preferred this petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 2.8.2005 (Annexure P-1) whereby learned 1st Additional District Judge, Kanker has rejected the application filed by the petitioner herein under Order 21 Rule 40 read with Section 151 of the CPC. I have perused the impugned order. It has been mentioned in the impugned order that the petitioner herein has not paid the decretal amount and execution is pending since 1995, therefore, the application is rejected. It has further been mentioned that on 12.9.2003 an order was passed to send the petitioner in civil jail. Counsel for the petitioner submitted that a decree to the tune of Rs.95,000/- was passed against the petitioner herein and thereafter, the petitioner has paid Rs.25,000/-. Even if the contention of counsel for the petitioner is accepted then also more than Rs.75,000/- is still outstanding and the petitioner is not paying said amount to the bank. Counsel for the petitioner has not been able to point out any illegality or irregularity in the order of the Executing Court, therefore, I do not find any ground to interfere with the impugned order. As such, the petition is liable to be dismissed and it is accordingly, dismissed. Consequently, M.(W.)P. No.3654/05 & I.A. No.8084/05 also stand dismissed. Sd/- L.C. Bhadoo Judge	